

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

CORY S. MEISTER,)
)
 Plaintiff,)
)
 v.) Civil Action No. 06-0295
)
 NEXTEL RETAIL STORES, LLC,)
)
 Defendant.)
)

ORDER

This matter comes before the Court on Defendant's Motion to Dismiss Count II of Plaintiff's Complaint. It appearing to the Court that Count II of Plaintiff's Complaint "state[s] a claim upon which relief may be granted," Fed. R. Civ. P. 12(b) (6), it is hereby

ORDERED that Defendant's Motion to Dismiss Count II of Plaintiff's Complaint is DENIED.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
May 12, 2006